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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,865	09/22/2003	Charles Le Gall	Q77525	4308
23373 7590 05/25/2011				
SUGHRUE MION, PLLC				
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
MILLER, SAMANTHA A				
ART UNIT		PAPER NUMBER		
3749				
NOTIFICATION DATE		DELIVERY MODE		
05/25/2011		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/664,865

**Applicant(s)**

LE GALL, CHARLES

**Examiner**

SAMANTHA MILLER

**Art Unit**

3749

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4 and 6-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 6-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed on 3/15/2011 is acknowledged.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the first outside opening", "the second outside opening", "the bottom portion of the first air circulator device", "the at least first one of said inside openings", "the at least a second one of said inside openings", "an upper portion", and "a portion of said second air circulator device" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4, and 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 states "a bottom portion of the first air circulator device is installed substantially in the second outside opening" it is unclear what substantially in the second outside opening is defined as.

Claim 6 states "an upper portion of which is positioned in the second opening substantially outside the first air circulation space" it is unclear what substantially outside the first air circulation space is defined as.

Claim 6 states "positioned in the second opening" it is unclear what is the second opening. Applicant seems to have meant "the second outside opening" as previously claimed.

Claim 7 recites the limitation "at least first one of said inside openings" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 states "a portion of said second air circulator device is installed substantially in the second inside opening" it is unclear what substantially in the second inside opening is defined as.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over STOLLER (6,877,551) in view of BALTES (4,869,872).

STOLLER teaches:

Claim 1: A container (300) comprising: walls (Fig.3 show outer wall 302, an inner wall separating 312 from 315, and an intermediate wall separating 315 from 320) defining an inside zone housing (312) for at least one piece of equipment (313), at least one of said walls comprising: at least three sub-walls (Fig.3 show outer wall 302, an inner wall separating 312 from 315, and an intermediate wall separating 315 from 320) spaced apart from one another to define at least first (320) and second (315) air circulation spaces, being separated without any communication therebetween (Fig.3), wherein said first air circulation space (320) communicates with the outside of said container via at least a first outside opening (311) and a second outside opening (318

and housing of 322) which define air circulation pathways between the first air circulation space (320) and the outside of the container, said second air circulation space (315) communicates with said inside zone (surrounding 313) via at least two inside openings (one at 312 and one at 324), a first one of said sub-walls (302) faces the outside of said container (300), a second one of said sub-walls (wall separating 312 from 315) faces said inside zone, third one of said sub-walls (wall separating 315 from 320) is interposed between said first and second sub-walls, and sealingly separates said first (320) and second (315) air circulation spaces so that air in the inside zone (312) of said container does not contact the air outside of said container (Fig.3), and a first air circulator device (322), which is installed through the second outside opening (318 and housing of 322) so that a bottom portion of the first air circulator device is installed substantially in the second outside opening (322 is within 318 and housing of 322).

Claim 2. The third sub-wall (wall separating 315 from 320) is formed from a material enabling heat to be transferred between said first and second air circulation spaces (the cooling compartment 320 as described col.6 ll.27-31, facilitates thermal transfer for cooling the electronics compartment so the material between the two spaces must enable heat to be transferred).

Claim 13. The walls of said container comprise at least three walls (three walls of an outer wall 302, an inner wall separating 312 from 315, and an intermediate wall separating 315 from 320), each of which comprises said at least three sub-walls (an

outer wall 302, an inner wall separating 312 from 315, and an intermediate wall separating 315 from 320).

Claim 14. The at least three walls communicate with one another in such a manner as to comprise a single-shaped element (Fig.3).

Claim 15. The one of said at least three walls is a top wall (Fig.3).

Claim 16. A container (300) housing telephone equipment (telecommunications cables, col.6 ll.13-16).

STOLLER teaches the claims as discussed above, however STOLLER does not teach the first sub-wall made of thermally insulating material.

BALTES teaches:

Regarding claim 1. A first sub-wall (9) is formed from a thermally insulating material (col.4 ll.33-36).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the material of BALTES in view of the cabinet of STOLLER in order to prevent the operating personnel from suffering burns (BALTES, col.4 ll.48-50).

Claims 4, 6-12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over STOLLER (6,877,551) in view of BALTES (4,869,872) in further view of BRETSCHNEIDER (6,149,254).

STOLLER further teaches:

Claim 6. The first air circulator device (322) comprises at least one fan an upper portion of which is positioned in the second opening (318 and housing of 322) substantially outside the first air circulation space (320) (separated by housing of 322).

Claim 7. At least one second air circulator device (324) arranged to suck air in from said inside zone (312) via at least first one of said inside openings (housing of fan 324, Fig.3), to cause said inside air to circulate in said second air circulation space (315), and then to expel said inside air through at least a second one of said inside openings (connecting 315 to 312, Fig.3).

Claim 8. At least a portion of said second air circulator device (324) is installed substantially in said second inside opening (housing of 324, Fig.3).

Claim 9. The second air circulator device (324) comprises at least one fan.

Claim 10. A control device (power cables) arranged to control the operation of at least one of said first air circulator device (external fan) and said second air circulator device (internal fan) (controls these devices by turning on or off the power to them, col.6 ll.41-47).

Claim 11. The control device (power cables) is arranged to control the operation of at least one of said first air circulator device and said second air circulator device in such a manner as to regulate the temperature in said inside zone (when turning the fans on you are cooling the inside zone, when turning the fans off you are heating the inside zone) (col.6 ll.41-47).

Claim 17, The container further comprises: a second air circulator device (324) arranged to suck air in from said inside zone (312) via at least a first one (at housing of



324, this is the same as applicant who shows air is sucked through the opening of the second air circulator) of said inside openings, to cause said inside air to circulate in said second air circulation space (315), and then to expel said inside air through at least a second one of said inside openings (where 315 meets 312), the second air circulator device (324) being arranged outside the second air circulation space in the inside zone (housing of 324 is in 312).

STOLLER in view of BALTES teaches the claims as discussed above, however STOLLER in view of BALTES do not teach a first air circulator device is arranged to suck in air from the outside of said container via said first outside opening and then to expel said outside air through said second outside opening, the direction of air circulation in said first air circulation space is substantially opposite to the direction of air circulation in said second air circulation space, or housing telephone equipment.

BRETSCHNEIDER teaches:

Claim 4. The first air circulator device (35) is arranged to suck in air from the outside of said container via said first outside opening (33) to cause said outside air to circulate in said first air circulation space (9), and then to expel said outside air through said second outside opening (at 35 through openings in the top of cabinet 36).

12. The direction (19) of air circulation in said first air circulation space is substantially opposite to the direction of air circulation in said second air circulation space (8) (also in combinations STOLLER teaches the air circulation in the inside zone

going in the fan 324 and out 315 to 312; this would be opposite to the direction BRETSCHNEIDER teaches moving air through space (9)).

17. The first air circulator device (35) is arranged to suck in air from the outside of said container via said first outside opening (33) to cause said outside air to circulate in said first air circulation space (9).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the first flow direction of STOLLER in view of BALTES in view of the flow direction taught by BRETSCHNEIDER in order for the first air circulation space to have cooler air surrounding the interior zone since it would not flow over the fan motor which would heat the air slightly.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 4, 6-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMANTHA MILLER whose telephone number is (571)272-9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samantha A Miller/  
Examiner, Art Unit 3749

5/21/2011

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